United Nations S/AC.44/2004/(02)/9

Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 22 October 2004 from the Permanent Mission of Switzerland to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Switzerland to the United Nations presents its compliments to the Permanent Mission of Romania to the United Nations and, with reference to note verbale No. SCA/10/04(02) from Mr. Mihnea Ioan Motoc, Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), has the honour to transmit herewith the report of the Swiss Government concerning the implementation of Security Council resolution 1540 (2004) (see annex).

04-57689 (E) 291004

Annex to the note verbale dated 22 October 2004 addressed to the Chairman of the Committee by the Permanent Mission of Switzerland to the United Nations

Report of the Swiss Government concerning the implementation of Security Council resolution 1540 (2004)

Switzerland's policy on weapons of mass destruction

Switzerland does not provide any form of support to non-State actors likely to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. Any such support would be contrary to Swiss legislation, Switzerland's international obligations, and the policy which it pursues at the international level.

1. National legislative bases

Article 7 of the Federal Law of 13 December 1996 concerning war materiel prohibits "the development, manufacture, procurement as intermediary, acquisition, delivery to any destination, import, export, carriage in transit or storage of nuclear, biological or chemical weapons or disposition of such weapons in any other way".

The same article contains a prohibition on inciting any person to commit any of the acts mentioned above or facilitating such commitment. This prohibition also applies to acts committed abroad if such acts violate international law agreements to which Switzerland is a party and if the perpetrator is Swiss or domiciled in Switzerland.

The maximum penalty for violation of the comprehensive prohibition of weapons of mass destruction is imprisonment for 10 years and a fine of 5 million Swiss francs. Attempted violation and participation in a violation are also subject to punishment.

2. Fulfilment of Switzerland's international commitments

Switzerland complies with the most recent international rules on control of the export and on the security of materials which are dangerous and/or critical from the standpoint of the proliferation of weapons of mass destruction.

(a) Switzerland is a party to the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention. It is a member of the Organization for the Prohibition of Chemical Weapons and has concluded and brought into force a safeguards agreement with the International Atomic Energy Agency (IAEA). Pursuant to these international instruments, enterprises and institutions working in the nuclear, chemical or biological fields are obliged to report on their activities and to undergo inspections by international inspectors.

(b) On 16 June 2000 Switzerland signed an additional protocol to its IAEA safeguards agreement, which should enter in force early in 2005.

(c) Switzerland is a party to the Convention on the Physical Protection of Nuclear Material of 3 March 1980.

(d) Switzerland has established an advanced system of controls at its borders and within the country to combat illicit trafficking in controlled goods and technology. The police authorities recently introduced a prevention programme designed to enhance the vigilance of enterprises working in fields which are critical from the proliferation standpoint. The control authorities maintain close links with their counterparts in other countries with regard both to the prevention and to the suppression of illicit trafficking with a view to proliferation.

(e) Switzerland is a member of the exports control bodies for weapons of mass destruction, i.e. the Nuclear Suppliers Group, the Zangger Committee, the Australia Group, and the Missile Technology Control Regime. It has incorporated in its national legislation the exports directives and the control lists issued by these bodies. Accordingly, an individual or general export licence is required for any export of a controlled item. A licence is refused if such export is incompatible with Switzerland's international obligations, the non-legally-binding international control measures to which Switzerland subscribes or embargo measures, or if there are grounds for believing that the items in question would be used for the purposes of terrorism or organized crime.

(f) The Order on the control of such goods also contains a "catch-all" clause obliging the exporter of a non-controlled item to obtain authorization for the proposed export when he knows or has been informed by the competent authorities that the item in question is or may be intended for a programme for the production of weapons of mass destruction or their means of delivery.

(g) With a view to preventing the transport of weapons of mass destruction, their means of delivery and related materials to or from States and non-State actors, Switzerland endorses the principles of the Proliferation Security Initiative and cooperates closely with the other States participating in this initiative.

(h) With regard to the international initiatives launched as part of the global campaign against the proliferation of weapons of mass destruction, in May 2003 Switzerland joined the G-8 Global Partnership and plays a part in global chemical disarmament.

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Note verbale dated 22 October 2004 from the Permanent Mission of Greece to the United Nations addressed to the Chairman of the Committee

The Permanent Representative of Greece presents his compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) of 28 April 2004, concerning measures for the non-proliferation of weapons of mass destruction to non-State actors, and, with reference to the Chairman's letter SCA/10/04(02), dated 21 June 2004, has the honour to submit herewith the first national report of Greece on the implementation of that resolution (see annex).

04-57986 (E) 011104

Annex to the note verbale dated 22 October 2004 from the Permanent Mission of Greece to the United Nations addressed to the Chairman of the Committee

UNSCR 1540 NATIONAL REPORT FOR 2004

I. GENERAL OVERVIEW

The proliferation of Weapons of Mass Destruction emerges today as one of the gravest threats to international peace and stability. The possibility of acquisition of WMD by non-state actors evolves as an alarming scenario, given the fact that proliferation networks may seek to posses those weapons, having thus the capacity to launch large-scale attacks at random. Latest developments indicate the seriousness of the situation and the need to continue addressing the issue.

II. INTERNATIONAL OBLIGATIONS

Greece has signed and ratified all international treaties and protocols related to the non-proliferation of Weapons of Mass Destruction. She is also member of all export control regimes on items related directly or indirectly (dual-use) to the eventual fabrication or production of Weapons of Mass Destruction. In the same context, Greece has ratified all 12 UN Conventions regarding the fight against terrorism. The competent legislative bodies are also considering the effectiveness of all legal instruments in force, with the purpose of introducing additional measures where necessary.

The EU Strategy against the proliferation of Weapons of Mass Destruction adopted during the Greek Presidency of the EU reflects the resolve of the EU countries to confront the challenge of the WMD-threat. The set of priorities described in this text, is pursued in close consultation among partners.

Furthermore, as Greece is a member of the EU, reference is made to the EU Common Report which will be transmitted to the UNSC 1540 Special Committee separately. This EU Report covers areas of EU and Community competences and activities in relation to UNSCR 1540 and should be read in conjunction with this national report.

During the Krakow PSI anniversary meeting, we expressed our support to the political objectives of the Proliferation Security Initiative (PSI), and we continue to work in the domestic field in order to inform all authorities concerned to remain alerted in detecting and tracing potential proliferation activities.

III. DOMESTIC MEASURES

a) General Remarks

Bearing in mind the complexity and the diversity of the proliferation issue and acknowledging the need for effective response in new emerging trends arising from proliferators worldwide, we continue to review our national legislation with the aim of introducing additional legislative measures where necessary. The Ministry of Foreign Affairs has already requested other national authorities to give their assessment on whether new or revised legislation is required for the implementation of the 1540 Resolution. Ad hoc consultations are in progress.

b) Specific Issues

With regard to the **Chemical Weapons** the **National Authority for Chemical Weapons** constitutes the institutional body where all relevant matters are considered. The Authority, whose activities are coordinated by the Ministry of Foreign Affairs, holds annually two sessions with participants from other national agencies (Ministry of Defense, Ministry of Health, Ministry of Justice, Customs Directorate).

The risk of a terrorist attack during the 2004 Olympic Games proved the necessity of additional security measures at airports, customs installations, port facilities and border check points. The **National Committee of Atomic Energy**, in cooperation with the **Customs Directory** deployed along the aforementioned facilities a network of devices aiming at detecting nuclear, chemical or radiological material and preventing thus perpetrators from using them for a terrorist attack.

c) Legislation in force in relation with UNSCR 1540

Greek legislation on the export of items and technologies related to WMD has been issued accordingly to our commitments to the relevant international treaties and obligations undertaken in the UN and EU framework. Directives issued by other relevant export control regimes are also taken into account.

We have initiated a process of amending national legislation in order to include recent developments. The export, re-export, transit and transshipment licenses are issued by the Ministry of Economy and Finance, in close consultation with the Ministries of Foreign Affairs and of Defense respectively. The latter organized, last year, seminars where practical experiences for export controls among agencies involved were exchanged, as well as information concerning sensitive users, destinations and denials.

Operative paragraph 2 of UNSCR 1540

Action taken

- **L.936/1979 concerning external trade in Greece** is the main Law that attributes responsibility of external trade in the Ministry of Economy and Finance and provides for the penalties in case of violation of the export legislation in general.
- **Ministerial Decision No. E3/1255/06.03.1991** and **Ministerial Decision No. 2641/E3/3327/26.03.1992** concerning control in export of items and technologies which affect the National Security in Greece.
- **Ministerial Decision No. 125695/E3/5695/25.10.2000 "control of dual-use items transfers"** harmonizes Greek legislation with Regulation 1334/2000, of the EU on the same subject. Our country has already adopted the most recent amendment of the Regulation.
- **Ministerial Decision No. 3285/E3/4136/09.06.1993** and **Ministerial Decision No. 2026/E3/933/16.03.1994** concerning controls in transfers of chemical and biological agents, technologies and animal pathogens which are used for the production of chemical weapons. The Decision is in the process of amendment.
- **Ministerial Decision No. 3286/E3/2757/F.MTCR/24.05.1993,** and **Ministerial Decision No. 1055/E3/7269/28.02.1992** and **Ministerial Decision No. 4216/E3/4076/1994** concerning the transfer of Missile Technology. The Decision will be amended.

- **Ministerial Decision No. 5408/E3/2362/F.NSG/31.08.2004** concerning the transfer of nuclear material, equipment and technology which affect the National Defense and Security.
- Several Ministerial Decisions have been issued for the implementation of trade sanctions imposed by the United Nations Organization, the European Union and the Organization for Security and Cooperation in Europe.

Operative paragraph 10

Action taken

- We assist other states through answering of questionnaires or providing information about our legislation on the relevant questions.
- We contribute to the meetings of the License and Enforcement Officers of the export control regimes.

Athens, 25 October 2004